

### Listing of Claims

This listing of claims will replace all prior versions and listing of claims in this application. Pending and allowed claims are claims 29 through 61.

Please cancel claims 31, 37 and 43 without prejudice.

Please amend claim 29 as follows:

29. (Currently Amended) A method of treating cholesterol disorders with an intermediate release formulation without causing treatment limiting hepatotoxicity, elevations in uric acid, or glucose levels such that use of said formulation is discontinued comprising:

orally administering once per day an effective amount of said formulation for treating said disorder, said formulation having a dissolution curve similarity fit factor F2 of at least about 79, and an *in vitro* dissolution profile, when measured in a type I dissolution apparatus (basket), according to U.S. Pharmacopeia XXII, in about 37°C in deionized water at about 100 rpm, s follows:

- (a) less than about 15% of the nicotinic acid is released after about 1 hour in the apparatus;
- (b) between about 15% and about 30% of the nicotinic acid is released after about 3 hours in the apparatus;
- (c) between about 30% and about 45% of the nicotinic acid is released after about 6 hours in the apparatus
- (d) between about 40% and about 60% of the nicotinic acid is released after about 9 hours in the apparatus;
- (e) between about 50% and about 75% of the nicotinic acid is released after about 12 hours in the apparatus; and
- (f) at least about 75% of the nicotinic is released after about 20 hours in the apparatus.

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